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The holy bread of life and brotherhood —
 Or, with a common human honesty,
 Cease to shed blood; and cease to teach your sons
 The code of battle and the code of death,
 While — dressed in your ensanguined livery —
 They wait the opportunity to kill;
 Cease to build battleships and death's grim enginery;
 Cease to pay tribute to the god of war:
 And cease — O Pharisees! — to pray "Thy kingdom come,"
 While you are voting means to make a hell
 In some vain-boasted cause of righteousness.

Haste, Anglo-Saxons! Ere it be too late,
 And that sure prophecy the Master spake
 Shall find fulfilment in your overthrow.
 O mighty Anglo-Saxons! Break your swords,
 Disband your armies and destroy your arms.
 Rise to your destiny and learn a godlike strength,
 A power from Peace those nations never knew
 Which flourished for a glorious yesterday
 To lie beneath to-morrow's desolating dust.
 O mighty Anglo-Saxons! Seek a way
 That will be unto immortality;
 And conquer with a conquest unto life.
 O mighty Anglo-Saxons! Ere it be too late,
 Rise, break your swords, and rule by right divine!

— KATRINA TRASK, in the *June Arena*.

TRAYADDO, TUXEDO PARK, NEW YORK.

The North Sea Incident.

Address of Prof. John Bassett Moore at the Mohonk Arbitration Conference, June 2, 1905.

On the evening of Sunday, the 23d of October last, a representative of the press called at my house and solicited an expression of opinion as to the probable effect upon the relations between Great Britain and Russia of a rumored attack by the Russian Baltic fleet on a fleet of English fishermen in the North Sea. I naturally asked for details of the alleged incident, but the particulars given were exceedingly meagre, and I confess that I listened to their recital with a feeling of incredulity. Indeed, when I suggested that men of the sea, and especially fishermen, had always had the benefit in the public mind of a certain indulgence on account of their susceptibility to optical illusions, my visitor himself could not repress a smile that betrayed the existence in his own mind of a doubt as to the reality of what he had heard.

And yet, strange as the report at first blush seemed, it was in a few hours confirmed by the most authentic proofs; and, as these proofs came altogether from the side of the victims, the incident wore the aspect of a wanton, malicious attack by men-of-war on peaceful fishermen — an outrage, deliberate and unprovoked.

In any circumstances, such a situation, unless dealt with by both governments in a conciliatory spirit, would have been fraught with the possibilities of armed conflict; but, in the present instance, there were special circumstances that rendered it exceptionally dangerous.

For more than a hundred years there has existed between Great Britain and Russia an enmity which time has served to strengthen rather than to ameliorate. This enmity, aggravated by a clash of interests in the near East, produced about the middle of the last century a

great war. The most striking result of this conflict was the transference by Russia of her schemes of aggrandizement or development from the near East to the far East, but only to find herself in the end portentously confronted by her old rival, united by an intimate alliance with Russia's formidable antagonist in the far East, the island empire of Japan.

Nor was this new alliance the only specially disturbing factor in the situation. During the summer of 1904, grave questions, some of which grew out of the restrictions imposed on Russia by the victors in the Crimea in 1856, had arisen between the British and Russian governments. Great Britain had not only refused to recognize as lawful cruisers certain Russian armed vessels that had issued from the Black Sea, but she had also protested against the claims advanced in the new Russian naval orders with regard to the interruption of neutral trade under an extension of the list of articles classed as contraband.

It was into a situation such as this, tense with suspicion and antagonistic feeling, that the report of the attack on British fishermen in the North Sea suddenly fell. The attack took place early in the morning of the 22d of October, 1904, about an hour after midnight. As witnessed by its victims and reported to the British government, it appeared to be of the most deliberate character. At the hour in question nearly fifty small steam vessels, belonging chiefly to what was called the "Gamecock" fleet of Hull, were engaged in trawling for cod on the Dogger Bank in the North Sea, under the command of their "admiral." All their lights were burning, and they were carrying on their operations in accordance with the international regulations established for fishing in the North Sea. While they were thus innocently engaged, they saw the lights of several steamers approaching. The steamers were standing directly for the fleet and were casting their searchlights on the trawlers. Shortly afterwards, as the first group of steamers passed on, another group approached, using searchlights and making signals; and presently a third group came near, making similar signs. Of the third group, two of the steamers stopped near a trawler called the "Tomtit," and one of them opened fire. The firing then became more or less general, steamers belonging to the second group taking part in it, and continued for ten or twelve minutes. When the firing ceased, two fishermen had been killed and six wounded, while one trawler had been sunk and five were hit and damaged, while others were damaged by shell explosions near them. No relief was offered by any of the attacking warships, although it is said that one remained near the scene about an hour.

A brief report of this deplorable incident was telegraphed to Lord Lansdowne from Hull late on the 23d of October, but the details in authentic form did not reach him till the following day, when without delay he telegraphed instructions to Sir Charles Hardinge, British ambassador, to lay the matter before the Russian government and particularly to point out to Count Lamsdorff, the Russian Minister of Foreign Affairs, the circumstances tending to show that the attack was deliberate or at best "most culpably negligent." Lord Lansdowne stated that the indignation provoked by the incident could not possibly be exaggerated and that this feeling was aggravated by the action of the warships in

omitting to offer any help to the stricken fishermen. The matter, declared his lordship, admitted of "no delay." He preferred not to formulate demands till Russia had had an opportunity to explain, but he intimated that nothing less would suffice than an "ample apology and complete and prompt reparation as well as security against the recurrence of such intolerable incidents."

Similar language was used by Lord Lansdowne to the Russian *chargé d'affaires* at London. Count Lamsdorff seemed to be almost dumfounded. He had no information beyond what was furnished by the press reports; but while he expressed confidence that the affair would turn out to have been the result of an unfortunate mistake, he did not hesitate to say that an inquiry would be instituted, that any one found guilty would be punished, and that full reparation would be made to the sufferers.

On Tuesday, the 25th of October, Count Lamsdorff brought to the British embassy a message from the Emperor. Still there was no report from Admiral Rojdestvensky. In the absence of such a report the Emperor declared that he could only consider the affair as an unfortunate accident due to misunderstanding; but in view of the sad loss of life, he stated that he was anxious to express his sincere regrets at the occurrence, and that he would adopt the necessary measures of reparation to the sufferers as soon as a clear account of the circumstances was obtained.

Nearly forty-eight hours had now elapsed since the first report of the attack on the trawlers became public, and the excitement in England was rising rather than falling. Towards midnight on the 25th of October Count Benckendorff, the Russian ambassador at London, repeated to Lord Lansdowne the assurances that had already been given by the Emperor through Count Lamsdorff at St. Petersburg; but this, as Lord Lansdowne declared, was "not enough." Lord Lansdowne, while not undertaking finally to formulate the demands of his government, had intimated to Count Benckendorff that they must embrace (1) an ample apology and disclaimer, (2) the fullest reparation to the sufferers, (3) a searching inquiry as to blame, together with the adequate punishment of any persons shown to be responsible, and (4) security against the repetition of such incidents. As to the first two points, the message of the Emperor afforded an assurance that there would be no difficulty; but as to the other demands, no agreement was as yet in sight, and it was as to these, and especially the question of punishment of wrongdoers, that public feeling in England was running high.

Early on Wednesday, the 26th of October, Lord Lansdowne therefore put himself into communication with Count Benckendorff, and in the course of the morning held with him a frank and impressive interview. In this conference Lord Lansdowne, adverting to the fact that, although Rojdestvensky had made no report, no effective steps had apparently been taken to stop him or to institute an inquiry, begged Count Benckendorff at once to telegraph his government concerning the open points, and significantly observed that if the Russian fleet were allowed to continue its journey without calling at Vigo, in Spain, the two governments might find themselves "at war before the week was over." In this relation Lord Lansdowne called attention to the concentration

of the British fleets at Gibraltar and other strategic points, and later in the day he candidly informed Count Benckendorff that, unless the demands with regard to the stopping of the Russian fleet were complied with, it might be necessary to enforce them.

Effective measures were taken by the Russian government to intercept its fleet and to cause it to call at Vigo; and on the 27th of October telegrams were received at London giving Admiral Rojdestvensky's version of the affair. According to this version, two torpedo boats without lights rushed at full speed to attack the leading vessels of the squadron, and it was only after the searchlights were turned on that it was noticed that a few small steam craft resembling trawlers were present. Firing ceased as soon as the torpedo boats had disappeared. The Russian detachment included no torpedo destroyers, and no vessel of any kind was left behind on the scene. The vessel reported to have remained in the neighborhood must therefore, declared Admiral Rojdestvensky, have been one of the enemy's torpedo boats, the other having been sunk; and the Russian ships refrained from assisting the trawlers on account of their apparent complicity. Some of the trawlers did not show their lights for a time, and others not at all.

The first suggestion that the actual or suspected presence of torpedo boats was the immediate cause of the incident was made by the Russian *chargé d'affaires* at London in his interview with Lord Lansdowne on Monday, the 24th of October; but he offered no proof of the supposition beyond vague reports that Japanese subjects had been preparing a torpedo attack on the Russian fleet from English waters. These reports were wholly unconfirmed; and, although Admiral Rojdestvensky now came forward with a positive assertion that he had been attacked by torpedo boats, the testimony of the trawlers wholly discredited the supposition that any such boats were near when the attack on the fishing fleet took place. Under the circumstances, Lord Lansdowne did not hesitate to affirm that Admiral Rojdestvensky's version would not carry with it the slightest conviction in England. He therefore insisted upon full compliance with the British government's demands, but, in so doing, he made a remarkable proposition. He proposed that a full inquiry into the facts should be made by an independent court with an international character, this court to be composed of naval officers of high rank representing the two powers immediately concerned and three others, and to constitute a body analogous to that provided for by Articles IX to XIV of The Hague Convention.

This proposal I have ventured to call remarkable, and for several reasons. It was remarkable, in the first place, because it was in effect an offer of arbitration coming from the aggrieved party. It was remarkable, in the second place, because it was made in a time of great popular excitement, in which the pent-up feelings of an old antagonism were manifest. It was remarkable, in the third place, because the submission it proposed was broader than that which the terms of the convention rendered obligatory. It was remarkable, finally, but not least, as a striking exemplification of the restraining influence of a permanent arrangement for the peaceful settlement of international disputes. [Applause.] Who can say that, if the Hague Convention had not existed, and if the British and Russian governments had not been

conscious of this persuasive force of its obligations, the thought of arbitration would have occurred to either in the midst of such a tumult of passionate emotions?

On Friday, the 28th of October, a proposal for an international inquiry similar to that of Lord Lansdowne, but not so broad in its scope, was made by the Russian Emperor under the Hague Convention. This proposal was apparently made without knowledge of Lord Lansdowne's previous tender. As the result of all the negotiations, Mr. Balfour was enabled to announce, in a speech at Southampton, on the evening of the 28th of October: (1) that Russia, on hearing of the North Sea incident, had expressed profound regret and promised liberal compensation; (2) that the part of the Russian fleet concerned had been detained at Vigo, so that it might be possible to ascertain the responsible officers, who, together with any material witnesses, would not be allowed to proceed with the fleet; (3) that an inquiry would be instituted into the facts by an international commission, and that any persons found responsible would be tried by the Russian government and adequately punished; and (4) that instructions would be issued by the Russian government so as to secure neutral commerce from risk of interference and prevent the repetition of such incidents.

This announcement relieved the crisis, and negotiations proceeded for a final adjustment. A captain, two lieutenants and an ensign were left at Vigo by the Russian fleet in order to appear before the International Commission whenever it should be organized. The point which proved in the later, as it had in the earlier, negotiations to be most difficult was that of punishment. In articles of agreement submitted by Lord Lansdowne on the 31st of October, it was proposed that the International Commission should "inquire into and report upon all the circumstances attending the disaster in the North Sea, and particularly as to where the responsibility for the disaster lies and the degree of blame which attaches to those upon whom that responsibility is found to rest." The Russian government objected to this clause on the ground that it seemed to imply that the inquiry would be confined to the ascertainment of the responsibility of Russian officers. As eventually adopted, the clause provided that the Commission should inquire into and report upon the question of "responsibility" and the "degree of blame attaching to the subjects of the two high contracting parties or to the subjects of other countries in the event of their responsibility being established by the inquiry." This submission was broad enough to embrace all persons who could by any possibility have borne any responsibility for the incident, whether according to the Russian or the English version. The final agreement was signed on the 25th of November, 1904.

The International Commission, composed of admirals of the navies of Great Britain, Russia, France, the United States and Austria, met in Paris, and, after hearing the evidence, rendered on February 25, 1905, its report.

According to this report, Admiral Rojdestvensky had from the time of sailing taken extreme precautions to meet a night attack by torpedo boats; and these precautions, as the commissioners declared, "seemed to be justified" by the numerous reports received from agents of the Russian government as to apprehended hostile

attempts. At Skagen, where he had anchored to coal on the 20th of October, he was warned of the presence of suspicious vessels off the coast of Norway. One of these warnings came from the commander of a vessel coming from the North, who declared that he had seen on the previous night four torpedo boats carrying a single light only, and that at the masthead. These reports caused Admiral Rojdestvensky to leave Skagen twenty-four hours earlier than he had intended. His squadron sailed in several divisions, each getting under way independently, his own division being the last. After the fleet entered the North Sea a Russian transport, called the "Kamchatka," belonging to one of the former divisions, had trouble with her engines and fell behind. This accidental delay perhaps was, as the commissioners found, the incidental cause of the trouble. Toward eight o'clock P.M. on the 21st of October the "Kamchatka" met some unknown vessels and opened fire on them, and at a quarter to nine her commander sent a wireless message to Admiral Rojdestvensky that he had been "attacked on all sides by torpedo boats." According to Admiral Rojdestvensky's estimate, these alleged torpedo boats, then fifty miles to the rear, might overtake and attack him about one o'clock in the morning, and this led him to signal his ships to redouble their vigilance and look out for an attack by torpedo boats. The standing orders of the Admiral on all the ships authorized the officer of the watch to open fire in case of an evident and imminent attack by torpedo boats. If the attack was from the front he was to open on his own initiative, and in the contrary case to refer to his commanding officer. The majority of the commissioners considered these orders to be in no way excessive, particularly in the special circumstances of the case.

Coming down to the time of the attack on the trawlers, the commissioners found that the divisions of the Russian fleet which preceded Admiral Rojdestvensky had signalled nothing unusual. It afterwards became known that Admiral Fölkersam, in command of the first division, had thrown his searchlight on the nearest trawlers at close quarters, and, perceiving them to be harmless vessels, had quietly continued his voyage.

Not long afterwards, the last division, led by the "Suvoroff," Admiral Rojdestvensky's flagship, came near the main body of the trawling fleet, when the attention of the officers of the watch on the bridge of the "Suvoroff" was attracted by a green rocket which was sent up by the "admiral" of the fishing fleet and which in fact indicated, according to regulation, that the trawlers were to trawl on the starboard tack. Almost immediately afterwards, the look-out men, who from the bridges of the "Suvoroff" were scanning the horizon with their night-glasses, discovered "on the crest of the waves on the starboard bow, at an approximate distance of eighteen to twenty cables," a vessel which aroused their suspicions because they saw no light and because she appeared to be bearing down upon them. The searchlight was turned on the vessel, and the look-out men thought they recognized a torpedo boat proceeding at great speed. Admiral Rojdestvensky then ordered fire to be opened on the unknown vessel; and the majority of the commissioners were therefore of opinion that the responsibility for the firing and its results rested upon him.

Almost immediately afterwards a little boat was seen

on the bow of the "Suvoroff." This boat, on being lit up by the searchlight, was seen to be a trawler, and, in order to prevent its being fired upon, the searchlight was thrown up at an angle of forty-five degrees, and the Admiral then signalled the squadron "not to fire on the trawlers." But, at the same time, the look-out men on the "Suvoroff" perceived to port another vessel, which they thought presented the same features as the object of their fire to starboard, and firing on this second object was immediately opened, fire being thus kept up on both sides of the ship.

According to the standing orders of the fleet, the Admiral indicated the objects against which the fire should be directed by throwing his searchlight upon them, and as each vessel was sweeping the horizon in every direction with her own searchlights in order to avoid being taken by surprise, it was difficult to prevent confusion. The fire lasted from ten to twelve minutes.

On the other hand, the Russian cruiser "Aurora" was hit by several shells.

The commissioners unanimously agreed that the trawlers did not commit any hostile act, and the majority were of opinion, the Russian commissioner dissenting, that there were no torpedo boats anywhere near, and that the opening of fire by Admiral Rojdestvensky was not justifiable. The fact that the "Aurora" was hit seemed to justify the supposition that the cruiser, and perhaps even some other Russian vessel, left behind on the route followed by the "Suvoroff" without the latter's knowledge, might have provoked and have been the object of the first few shots. On the other hand, it was possible that certain distant trawlers might have been mistaken for the original objectives, and thus fired upon directly, while others might have been struck by a fire directed against more distant objects. But, even taking the point of view of the Russian version, a majority of the commissioners thought that the firing on the starboard side lasted longer than was necessary, though the same majority considered that they had not sufficient data as to why the fire on the port side was continued. The commissioners, however, unanimously recognized that Admiral Rojdestvensky personally did everything he could to prevent trawlers, recognized as such, from being fired upon by the squadron.

As to the action of the ships in continuing on their way after the firing ceased, the commissioners were unanimously of opinion that, in view of the circumstances of the incident, there was at the cessation of fire sufficient uncertainty as to the danger to which the vessels were exposed to induce the Admiral to proceed on his way.

Nevertheless, the majority of the commissioners regretted that Admiral Rojdestvensky, in passing the Straits of Dover, did not inform the authorities of the neighboring maritime powers that, as he had been led to open fire near a group of trawlers, those boats of unknown nationality stood in need of assistance.

Finally, the commissioners declared that their findings were not, in their opinion, of a nature to cast any discredit upon the military qualities or humanity of Admiral Rojdestvensky or that of the *personnel* of his squadron.

The report of the commissioners has sometimes been criticised on the supposition that this final declaration was inconsistent with the previous finding that the opening of fire by Admiral Rojdestvensky was not justifiable, and on the strength of this supposition it has been inti-

mated that the commissioners were actuated by the desire to avoid the imposition of substantial blame on the Russian Admiral, such as would have required his trial and punishment. It is not improbable that, if the commissioners had been lawyers instead of admirals, they would have avoided any ground for such a surmise. Had they been lawyers, they probably would have brought out more clearly the distinction, which doubtless was working in their minds, between justification in fact and apparent justification. They found that the attack was not in fact justified, and from this finding there arose an obligation to make compensation. But when we pass from the domain of civil to that of penal law, when we pass from the question of making compensation for a wrongful act to that of undergoing personal punishment for it, the element of intent becomes material, and apparent rather than actual justification or excuse becomes the test. The commissioners therefore are not chargeable with inconsistency because, while they found that the firing was not justifiable, they also held that Admiral Rojdestvensky had not incurred liability to punishment.

After the report of the commission was rendered the Russian government promptly paid the claims for damages, amounting to upwards of £60,000. And thus ended one of the most agitating and difficult controversies to which the process of arbitration was ever applied.

A day or two ago the question was discussed here as to the desirableness or necessity of excluding from arbitration questions of national honor or questions of vital interest; but I venture to say that in this North Sea incident there were involved both questions of national honor and questions of vital interest. Surely nothing can more affect the honor or the interests of a government than the wrongful taking of the lives of its people, especially where they are assailed at the hands of the officials of a foreign power. Not only is the arbitral settlement of the North Sea incident a proof of the growth in the world of a magnanimous and enlightened spirit, but it is to be placed among the great cases in which that mode of settlement has brought peace with honor, to the lasting benefit of the powers immediately concerned and to the great advantage of the whole world. [Applause.]

The Relations of the Schools and Colleges to the Maintenance of Peace.

BY DR. HENRY M. MACCRACKEN, CHANCELLOR OF
NEW YORK UNIVERSITY.

*Address delivered at the Mohonk Arbitration Conference
June 1, 1905.*

The familiar saying that it takes two persons to make a quarrel and two nations to make a war is true only in the same sense that it takes two men to make a cannibal: it takes one man to eat and the other man to be eaten. It will not suffice, in order to maintain peace between the United States and the other nations of the world, that the men who constitute our own government shall resolve upon peace. It is also necessary that the government of the second part shall in like manner be